

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

WILLIAM & DESIREE COTHREN,

Plaintiff,

vs.

FIA CARD SERVICES, N.A.,
FREDERICK J. HANNA &
ASSOCIATES, PC, MIKE
ALEXANDER, MIKE CAMPBELL,
MRS. MACARTHA, AND WILLIAM J.
LAU,

Defendant(s).

CIVIL ACTION FILE

NO. 2:09-cv-00619-RSL

ANSWER OF DEFENDANTS

COMES NOW, Defendants, FIA CARD SERVICES, N.A., FREDERICK J. HANNA & ASSOCIATES, PC, MIKE ALEXANDER, MIKE CAMPBELL, MRS. MACARTHA, AND WILLIAM J. LAU, (hereinafter "DEFENDANTS"), by and through the undersigned counsel, and hereby files its Answer to the Complaint for damages in the above-captioned case, and shows this Court the following:

ANSWER OF DEFENDANTS

1

SUTTELL & ASSOCIATES, P.S.
1450-114TH AVE SE, #240
CONIFER BUILDING
BELLEVUE, WA, 98004
425-455-8220/425-454-7884 FAX

1 FIRST DEFENSE

2 Plaintiff's claims fail to state a claim upon which relief may be granted.

3 SECOND DEFENSE

4 Plaintiff's claims fail due to insufficiency of service of process, and lack of
5 personal jurisdiction.

6 THIRD DEFENSE

7 Any violation of the Fair Debt Collection Practices Act (FDCPA) by
8 DEFENDANTS, which is hereby specifically denied, was not intentional and resulted
9 from a bona fide error notwithstanding the maintenance of procedures reasonably
10 adapted to avoid such error.

11 FOURTH DEFENSE

12 For its Fourth defense, DEFENDANTS respond to the enumerated paragraphs of
13 the complaint as follows:

14 **INTRODUCTION**

15 (1)

16 Numbered paragraph 1 of the Complaint does not appear to seek any response from
17 this Defendant, however, to the extent a response is required the allegations contained in
18 numbered paragraph 1 are hereby denied.

19 **JURISDICTION**

20 (2)

21 The allegations set forth in paragraph 2 of the Complaint are hereby denied.

PARTIES

(3)

The allegations set forth in paragraph 3 of the Complaint are hereby admitted.

(4)

The allegations set forth in paragraph 4 of the Complaint are hereby denied.

FACTUAL ALLEGATIONS

(5)

The allegations set forth in paragraph 5 of the Complaint are hereby denied.

(6)

The allegations set forth in paragraph 6 of the Complaint are hereby denied.

(7)

The allegations set forth in paragraph 7 of the Complaint are hereby denied.

(8)

The allegations contained in paragraph 8 of the Complaint are hereby denied.

(9)

The allegations set forth in paragraph 9 of the Complaint are hereby denied.

(10)

The allegations contained in paragraph 10 of the Complaint are hereby denied.

(11)

The allegations set forth in paragraph 11 of the Complaint are hereby denied.

(12)

ANSWER OF DEFENDANTS

3

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1 The allegations contained in paragraph 12 of the Complaint are hereby denied.

2 (13)

3 The allegations contained in paragraph 13 of the Complaint are hereby denied.

4 (14)

5 The allegations contained in paragraph 14 of the Complaint are hereby denied.

6 (15)

7 The allegations contained in paragraph 15 of the Complaint are hereby denied.

8 (16)

9 The allegations contained in paragraph 16 of the Complaint are hereby denied.

10 (17)

11 The allegations contained in paragraph 17 of the Complaint are hereby denied.

12 (18)

13 The allegations contained in paragraph 18 of the Complaint are hereby denied.

14 (19)

15 The allegations contained in paragraph 19 of the Complaint are hereby denied.

16
17
18 **CAUSES OF ACTION**

19 (20)

20
21 Numbered paragraph 20 of the Complaint does not appear to seek any response
22 from this Defendant, however, to the extent a response is required the allegations
23 contained in numbered paragraph 20 are hereby denied.

24 (21)

25 **ANSWER OF DEFENDANTS**

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1 The allegations contained in paragraph 21 of the Complaint are hereby denied.

2 (22)

3 The allegations contained in paragraph 22 of the Complaint are hereby denied.

4 (23)

5 The allegations contained in paragraph 23 of the Complaint are hereby denied.

6 **FIFTH DEFENSE**

7 Any allegations contained in Plaintiff's complaint not expressly admitted or denied
8 herein are hereby denied.

9 WHEREFORE, having fully answered Plaintiff's Complaint, DEFENDANTS
10 demand judgment in their favor, that Plaintiff's Complaint be dismissed with prejudice,
11 that all costs be cast upon Plaintiff, that it be awarded reasonable attorney fees and costs
12 as provided for under applicable law and for such other relief as this Court deems just
13 and proper.

14 RESPECTFULLY SUBMITTED this 3rd day of June, 2009

15 **SUTTELL & ASSOCIATES, P.S.**

16 By: **s/ William G. Suttell**
17 () William G. Suttell, WSBA #12424
18 Attorneys for Defendants
19 1450-114th Ave. SE #240
20 Bellevue, WA 98004
21 P: 425-455-8220
22 F: 425-454-7884
23 E: bill@suttelllaw.com

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **ANSWER OF DEFENDANTS** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney of record

I declare declare, under the penalty of perjury under the law of the State of Washington, that on June 3, 2009, I mailed the Defendant's Answer via first class mail to:

James Sturdevant; 119 N. Commercial; Bellingham, WA 98225

This 3rd day of June, 2009.

Respectfully submitted.

s/ Karen L. Hammer

Karen L. Hammer

ANSWER OF DEFENDANTS

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